

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DIANA C.,

Plaintiff,

v.

8:23-CV-0271
(ML)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

SCHNEIDER & PALCSIK
Counsel for the Plaintiff
57 Court Street
Plattsburgh, New York 12901

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
6401 Security Boulevard
Baltimore, Maryland 21235

MIROSLAV LOVRIC, United States Magistrate Judge

OF COUNSEL:

MARK A. SCHNEIDER, ESQ.

CANDACE BROWN CASEY, ESQ.
Special Assistant United States
Attorney

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Candace M. Brown Casey, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; and Plaintiff, through counsel Mark A. Schneider, having consented to the within order and the requested remand (Dkt. No. 10), and the Court having

considered the matter,

IT IS on this 9th day of June, 2023,

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: June 9, 2023
Binghamton, New York



Miroslav Lovric
U.S. Magistrate Judge